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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 CAROL BERGSON, an individual,

8 Plaintiff,

9 v.

10 UNITED STATES OF AMERICA; PARSONS,  
11 a foreign corporation; MBA CONSULTING  
12 SERVICES, INC., a foreign corporation;  
13 SERCO, INC., a foreign corporation;  
14 WALTON INVESTMENT CO., INC., a  
15 Washington corporation; UNKNOWN  
16 PERSONS 1-5; and UNKNOWN ENTITIES  
17 1-5,

18 Defendants.

NO. 2:17-cv-01441-RSM

**JOINT MOTION FOR ORDER TO  
CONTINUE PRETRIAL DEADLINES**

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**STIPULATED MOTION**

Plaintiff Carol Bergson and Defendants Parsons, MBA Consulting Services, Inc., Serco, Inc. and Walton Investment Co., Inc., hereby stipulate to entry of the following order without further notice. (The remaining defendants named in this action may not yet have been served with process and/or have not yet filed notices of appearance in the action.)

This motion is based upon the Court's inherent authority to manage its own schedule, and the following facts:

The Complaint for Personal Injuries in this action was filed with the Court on September 21, 2017. *See* Dkt. 1. The Complaint alleges Plaintiff was injured at a post office situated on real

STIPULATED MOTION & ORDER TO CONTINUE  
PRETRIAL DEADLINES - 1

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1 estate owned by Defendant Walton Investment Co., Inc. and leased to the U.S. Postal Service,  
2 when she fell in an area alleged to have been designed and/or constructed by one or more of the  
3 Defendants. *See generally*, Dkt. 1.

4 The Court issued its Order Regarding Initial Disclosures, Joint Status Report, and Early  
5 Settlement on September 28, 2017. *See* Dkt. 3. That order set the following deadlines:

6 Deadline for FRCP 26(f) Conference: 10/26/2017

7 Initial Disclosures Pursuant to FRCP 26(a)(1): 11/2/2017  
8 Combined Joint Status Report and Discovery

9 Plan as Required by FRCP 26(f) and Local Civil Rule 26(f): 11/9/2017

10 Under FRCP 4(m), Plaintiff has a presumptive 90 days from the date of filing to complete  
11 service of process. On September 29, 2017, Plaintiff initiated service of process against the  
12 identified non-governmental defendants -- except Walton Investment Co., Inc. (which waived  
13 service of process) -- under FRCP 4(d), requesting waiver of the summons. Defendants receiving  
14 a request for waiver of service have up to 60 days from the date the waiver request was sent to  
15 answer the complaints or file a Rule 12 motion. FRCP 12(a)(1)(A)(ii) Plaintiff delivered process  
16 to the local United States Attorney and/or her civil process clerk on October 30, 2017, pursuant to  
17 FRCP 4(i)(1)(A)(i) and (ii). The United States has 60 days after service to answer. FRCP 12(a)(2).

18 Not all parties have confirmed receipt of service of process in this action, though it service  
19 has been initiated with respect to all defendants except the unknown defendants. Defendant Walton  
20 Investment Co., Inc. waived service of process on November 1, 2017, but has not yet filed a formal  
21 appearance in this action. Only Defendant MBA Consulting Services, Inc. has answered the  
22 complaint. *See* Dkt. 8.

1           The Assistant United States Attorney (“AUSA”) responsible in this jurisdiction for tort  
2 suits against the United States involving the U.S. Postal Service contacted Plaintiff’s counsel. The  
3 AUSA said that based on her experience in other lawsuits against the Postal Service, she did not  
4 expect to receive documentation from it for at least 45 days from the date it receives service of  
5 process; without which information she would be unable to respond to the lawsuit; much less,  
6 make initial disclosures. She indicated she thought a continuance of 60 days as requested in this  
7 motion would be sufficient to enable her to do those things.

8           Plaintiff’s counsel conferred with counsel who filed notices of appearance for the non-  
9 governmental defendants, and obtained their consent to continue by 60 days the foregoing  
10 deadlines, in order to give defendants time to be served, answer the complaint and collect  
11 information needed for initial disclosures. Until all parties are able to do so, little progress in this  
12 matter can be made. *Cf.* FRCP 4, Committee Notes on Rules – 2015 Amendment (shortening  
13 presumptive time for service of process from 120 days to 90 days, “together with the shortened  
14 times for issuing a scheduling order set by amended Rule 16(b)(2), will ...increase the frequency  
15 of occasions to extend the time. More time may be needed, for example, when a request to waive  
16 service fails, [or] a defendant is difficult to serve....).

17           Granting this motion would be in the interests of justice, and so the submitting parties  
18 respectfully request that the court do so.

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24 STIPULATED MOTION & ORDER TO CONTINUE  
PRETRIAL DEADLINES - 3

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DATED November 6, 2017.

<p>STRITMATTER KESSLER WHELAN KOEHLER MOORE KAHLER</p> <p><u>s/ Daniel R. Laurence</u> Daniel R. Laurence, WSBA No. 19697 3600 15<sup>th</sup> Ave. W. #300 Seattle, WA 98119 Telephone: (206) 448-1777 Facsimile: (206) 728-2131 <a href="mailto:dan@stritmatter.com">dan@stritmatter.com</a></p> <p><b>Attorneys for Plaintiff Carol Bergson</b></p>	<p>ANDREWS-SKINNER, P.S.</p> <p><u>[See attached signature page]</u> PAMELA M. ANDREWS, WSBA #14248 Pamela.Andrews@andrews-skinner.com</p> <p><u>s/ Alison L. Markette</u> ALISON L. MARKETTE, WSBA #46477 645 Elliott Ave. W., Suite 350 Seattle, WA 98119 Tel. 206-223-9248 Fax: 206-623-9050 Alison.markette@andrews-skinner.com</p> <p><b>Attorneys for Defendant Serco, Inc.</b></p>
<p>CARNEY BADLEY SPELLMAN, P.S.</p> <p><u>s/ Cindy G. Flynn</u> Cindy G. Flynn, WSBA No. 25713 <a href="mailto:flynn@carneylaw.com">flynn@carneylaw.com</a></p> <p><u>s/ John C. Dippold</u> John C. Dippold, WSBA No. 25658 <a href="mailto:dippold@carneylaw.com">dippold@carneylaw.com</a></p> <p>701 Fifth Avenue, Suite 3600 Seattle, WA 98104 Phone: (206) 622-8020 Facsimile: (206) 467-8215</p> <p><b>Attorneys for Defendant Parsons Corporation</b></p>	<p>LAW OFFICES OF KENNETH R. SEARCE</p> <p><u>s/ Kasey Myrha</u> Kasey Myhra, WSBA No. 27100 <a href="mailto:kmyhra@travelers.com">kmyhra@travelers.com</a></p> <p>1300 Century Square 1501 Fourth Avenue Seattle, WA 98101-3611 Tel.: (206) 326-4217 Fax: (855) 827-7902</p> <p><b>Attorneys for Defendant Walton Investment Services, Inc.</b></p>
<p>LAW OFFICES OF TIMOTHY J. FARLEY</p> <p><u>s/ Richard P. Roberts</u> Richard P. Roberts, WSBA No. 20578 520 Pike Street, Suite 915 Seattle, WA 98101 Telephone: (206) 664-2417 Fax: (877) 369-4901 <a href="mailto:Richard.Roberts2@thehartford.com">Richard.Roberts2@thehartford.com</a></p>	

STIPULATED MOTION & ORDER TO CONTINUE  
PRETRIAL DEADLINES - 4

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**Attorneys for Defendant MBA Consulting  
Services**

STIPULATED MOTION & ORDER TO CONTINUE  
PRETRIAL DEADLINES - 5

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1                                   **ORDER TO CONTINUE PRETRIAL DEADLINES**

2                   THIS MATTER came before this Court on the foregoing Stipulation. For good cause shown, IT  
3 IS ORDERED THAT the deadlines stated in Order Regarding Initial Disclosures, Joint Status  
4 Report, and Early Settlement (Dkt. 3) are hereby continued as follows:

5                   Deadline for FRCP 26(f) Conference:	12/26/2017
6                   Initial Disclosures Pursuant to FRCP 26(a)(1): 7                   Combined Joint Status Report and Discovery	01/02/2018
8                   Plan as Required by FRCP 26(f) and Local Civil Rule 26(f):	01/09/2018

9                   Dated this 8th day of November, 2017.

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12                                   RICARDO S. MARTINEZ  
13                                   CHIEF UNITED STATES DISTRICT JUDGE

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15                   Presented by:

16                   STRITMATTER KESSLER WHELAN  
17                   KOEHLER MOORE KAHLER

18                   s/ Daniel R. Laurence

19                   Daniel R. Laurence, WSBA No. 19697

20                   [dan@stritmatter.com](mailto:dan@stritmatter.com)

21                   Attorneys for Plaintiff Carol Bergson

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23                   STIPULATED MOTION & ORDER TO CONTINUE  
24                   PRETRIAL DEADLINES - 6

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